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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,393	09/11/2003	Yuichi Onami	500.43122X00	3778

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EXAMINER

BAYAT, ALI

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/659,393	<b>Applicant(s)</b> ONAMI, YUICHI	
	<b>Examiner</b> Ali Bayat	<b>Art Unit</b> 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/7/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 9/11/03 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the IDS is not in form 1449, and does not have the Application number as required. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a). Examiner recommends filing the references on form 1449 and they will be considered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1,4 and 7 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 4 and 7 are indefinite for not being clear to the Examiner by failing to point out and distinctly claim the subject matter Because the limitations in these claims are conditional, by using words such as (if or either or "or") each claim divided or

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conditioned into two sections, first part and second part, which it seems to be independent from each other by utilizing the cited conditional terms above. What if there is no Intra picture type in first part of the claims, or there is only one type of picture (Inter frame or Inter picture), then there is no basis for "said image data stored in said memory". The way the claims is written is not clear to the Examiner, please explain or change the format of the claims for better understanding.

Claims 3,6 and 9 recites the limitation " fixed image data" in line 2. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Shimoda (U.S. patent 5,440,345).

In regard to claim 1, as best understood Shimoda provides for receiving coded, or compressed data (Fig.18 element 81, which followed by element 82 for decoding) of moving pictures (Fig.18 element 85, note motion vector extractor corresponds to moving pictures) through a transmission path (Fig.18, element 81, note "header extractor 81, extract the macroblocks header and sub-macro header from encoded data" which corresponds to transmission path) detecting the picture type of

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said compressed data from said received compressed data of moving pictures ( Fig.18 element 83, col.18 lines 39-41, note that controller 83 determines the picture type ( intra frame/inter frame) by utilizing the switch 89) ; if the picture type of said received compressed data of moving pictures is intra picture ( col.18 lines 45-55, note intra-frame compression data) supplying predetermined image data ( Fig.18 element 88, note “inverse DCT unit 88 restores the inverse quantized output to the original data by performing the inverse DCT processing” which corresponds to predetermined image data )to a monitor ( examiner interprets that monitor is inherent because “the inverse DCT unit 88 restores the inverse quantized output to the original data” corresponds to video signals, therefore video signals eventually will be displayed on monitors, note col.16 lines 13-14) so that it can be displayed thereon, and also to a memory so that it can be stored in said memory (Fig.18 element 92 col.18 lines 54-55) ; and if the picture type of said detected compressed data is inter picture ( col.18 lines 67-68), adding image data ( Fig.18 element 90, col.18 lines 63-67) resulting from decoding said received compressed data ( Fig.18 element 91), and said image data stored in said memory ( note output of the inverse DCT unit 88 ), supplying the data resulting from said addition to said monitor ( monitor is inherent, see above explanation ) so that it can be displayed thereon and also to said memory so that it can be stored in said memory (Fig.18 element 92 col.18 line 67-col.19 line 2).

With regard to claims 2,5 and 8 as best understood,Shimoda provides for method, Apparatus/system according to claims 1,4 and 7 respectively, wherein said step of detecting the picture type of said compressed data detects the picture type of

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said compressed data from header information of said compressed data (Fig.18 element 81, col.18 lines 24-30).

In regard to claims 3,6 and 9,as best understood, Shimoda provides for method, Apparatus/system, according to claim 1,4 and 7 respectively, wherein said predetermined fixed image data is selected to be image data of a fixed (or predetermined) color all (Fig.18 element 88, col.18 lines 48-55,note "inverse DCT unit 88 restores the inverse quantized output to the original data by performing the inverse DCT processing and applies it to the switch 89 and an adder 90. If the controller 83 indicated that the input data is the intra-frame compression data, the switch 89 selects the decoded data from the inverse DCT unit 88 and applies it to a memory 92" it means (Intra-frame or Intra-picture or I-frame or first frame) corresponds to predetermined fixed image data with is encoded without motion compensation, it is constant picture or frame, further inverse DCT unit 88 restores the inverse quantized output to the original data (refers to original video signals col.16 lines 1-14), therefore color component or color data inherited in video signals , finally since the frame or picture is Intra- frame it means color data in the frame or picture is fixed or constant or predetermined color).

As to claims 4 and 7. See the rejection of claim 1. They recite similar limitations as claim 1. Except that claims 4 is an apparatus and claim 7 is a system. However Shimoda invention relates to high efficient encoding/decoding system, which method and apparatus included in the system. Hence they are similarly analyzed and rejected.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. patent 5,689,307 to Sugahara et al. cited for encoding and decoding systems for transmitting moving pictures.

U.S. Pub.No. US 2004/0028282 A1 to Kato et al. cited for coding/decoding of compressed moving picture data.

U.S. patent 5,587,806 to Yamada et al. cited for apparatus for separately recording input coded video signal.

U.S. patent 6,687,296 to Sato et al. cited for apparatus and method for transforming picture information.

### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Bayat whose telephone number is 571-272-7444.

The examiner can normally be reached on M-F 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on 571-272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ali Bayat  
Patent Examiner  
Division 2624  
11/26/06

A handwritten signature in black ink, appearing to read 'Ali Bayat', is written over the printed name.